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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,812	01/21/2005	Michael Hawkes	1483-31	3775
23117	7590	09/28/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			AU, GARY	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/521,812	Applicant(s) HAWKES, MICHAEL	
	Examiner Gary Au	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 7, 10, 20, 28, 29 and 33-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 10, 20, 28 and 29 is/are allowed.
- 6) ☒ Claim(s) 33, 34, 36, 37, 39-44, 47-53, 55-60, 63-68, 70-79, 82 and 83 is/are rejected.
- 7) ☒ Claim(s) 35, 38, 45, 46, 54, 61, 62, 69, 80 and 81 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Amendment

2. Applicant's arguments with respect to claims 6, 7, 10, 20, 28, 33, 49 and 65 have been considered but are moot in view of the new ground(s) of rejection. The previous rejection was withdrawn due to a mistake of the rejection of claim 7 on page 10 of the previous action. It was misnumbered as it was intended for claim 6.

Claim Objections

3. Claims 49, 52-54, 59, 60 are objected to because of the following informalities:

Claims 6 and 49 are exactly identical.

Claims 36 and 52 are exactly identical. Claim 52 will be treated as dependent on claim 49.

Claims 53 and 54 are depended on objected claim 52.

Claims 43 and 59 are exactly identical. Claim 59 will be treated as dependent on claim 49.

Claims 44 and 60 are exactly identical. Claim 60 will be treated as dependent on claim 49.

Claims 61 and 62 are depended on objected claim 60.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 49, 50, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2003/0083078 Allison et al. (Allison) and further in view of US Patent No. 6,842,628 Arnold et al. (Arnold) and US Patent Application No. 2002/0187750 (Majumdar).

As to claims 6 and 49, Allison teaches an authentication system for transmitting information, said authentication system storing identification information of a plurality of providing users and a plurality of receiving users and being adapted to receive information from at least one of said providing users (MDM: message discrimination module, [0048] and [0049]); authenticate said at least one providing user (sending or calling party identification field, [0049]); transmit a message including said information via a mobile communications network to a receiving user's mobile terminal ([0053]). However, Allison fails to teach adapted to provide a public/private key pair for communication between the authentication system and said receiving user; wherein said communication comprises a message and/or a response to said message; send said public key to said receiving user terminal prior to said communication and store

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said public key in said mobile terminal; and encrypt at least part of said message using said public/private key pair.

In an analogous art, Arnold teaches adapted to provide a public/private key pair for communication between the authentication system and said receiving user (col. 7 lines 50-53); wherein said communication comprises a message and/or a response to said message (col. 6 lines 42-52 and col. 8 lines 7-13); send said public key to said receiving user terminal prior to said communication and store said public key in said mobile terminal (col. 6 lines 4-13); and encrypt at least part of said message using said public/private key pair (col. 6 lines 42-52).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Allison's system to include adapted to provide a public/private key pair for communication between the authentication system and said receiving user; wherein said communication comprises a message and/or a response to said message; send said public key to said receiving user terminal prior to said communication and store said public key in said mobile terminal; and encrypt at least part of said message using said public/private key pair, as taught by Arnold, for the advantage of transmitting messages in a secure manner. However, The combined system of Allison and Arnold does not teach a key valid only for a single communication.

In an analogous art, Majumdar teaches a key valid only for a single communication ([0046]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Allison and Arnold to include a key valid only for a single communication, as taught by Majumdar, for the advantage of providing a one time secure communication.

As to claim 50, Allison further teaches authenticating a receiving user as the recipient of said information (receiving or called party identification field, [0049]).

Considering claim 63, see the rejection of claim 47.

Considering claim 64, see the rejection of claim 48.

6. Claims 33, 34, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2003/0083078 Allison et al. (Allison) and further in view of US Patent No. 6,842,628 Arnold et al. (Arnold), US Patent Application No. 2002/0187750 (Majumdar) and US Patent No. 6,167,252 (Cohen).

As to claims 33, 47 and 48, Allison teaches an authentication system for transmitting information, said authentication system storing identification information of a plurality of providing users and a plurality of receiving users and being adapted to receive information from at least one of said providing users (MDM: message discrimination module, [0048] and [0049]); authenticate said at least one providing user (sending or calling party identification field, [0049]); transmit a message including said

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information via a mobile communications network to a receiving user's mobile terminal ([0053]). However, Allison fails to teach adapted to provide a public/private key pair for communication between the authentication system and said receiving user; wherein said communication comprises a message and/or a response to said message; encrypt at least part of said message using said public/private key pair.

In an analogous art, Arnold teaches adapted to provide a public/private key pair for communication between the authentication system and said receiving user (col. 7 lines 50-53); wherein said communication comprises a message and/or a response to said message (col. 6 lines 42-52 and col. 8 lines 7-13); encrypt at least part of said message using said public/private key pair (col. 6 lines 42-52).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Allison's system to include adapted to provide a public/private key pair for communication between the authentication system and said receiving user; wherein said communication comprises a message and/or a response to said message; and encrypt at least part of said message using said public/private key pair, as taught by Arnold, for the advantage of transmitting messages in a secure manner. However, The combined system of Allison and Arnold does not teach a key valid only for a single communication.

In an analogous art, Majumdar teaches a key valid only for a single communication ([0046]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Allison and Arnold to include a

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key valid only for a single communication, as taught by Majumdar, for the advantage of providing a one time secure communication. However, The combined system of Allison, Arnold and Majumdar does not teach sending said public key to said receiving user as part of said message.

In an analogous art, Cohen teaches sending said public key to said receiving user as part of said message (col. 7 line 46 – col. 8 line 11).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Allison, Arnold and Majumdar to include sending said public key to said receiving user as part of said message, as taught by Cohen, for the advantage of decrypting the message with the public key.

As to claim 34, Allison further teaches authenticating a receiving user as the recipient of said information (receiving or called party identification field, [0049]).

7. Claims 36, 37 and 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2003/0083078 Allison et al. (Allison), US Patent No. 6,842,628 Arnold et al. (Arnold), US Patent Application No. 2002/0187750 (Majumdar) and US Patent No. 6,167,252 (Cohen) as applied to claims 33 above, and further in view of US Patent No. 6,928,290 Byers et al. (Byers).

Considering claims 36, the combined system of Allison, Arnold, Majumdar and Cohen are as described above. However, the combined system fails to teach being

adapted to receive an acknowledgement message or a response message from said receiving user.

In an analogous art, Byers discloses being adapted to receive an acknowledgement message or a response message from said receiving user (ack message, col. 3 lines 44-59).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Allison, Arnold, Majumdar and Cohen to include being adapted to receive an acknowledgement message or a response message from said receiving user, as taught by Byers, for the advantage of verifying receipt of the message.

Considering claim 37, Byers further teaches transmitting a confirmation message to said one providing user based upon said acknowledgement or response message (delivery acknowledgement, col. 3 lines 44-59).

Considering claim 39, the combined system of Allison, Arnold, Majumdar and Cohen are as described above. However, the combined system fails to teach said user is required to authenticate himself by providing authentication data.

In an analogous art, Byers teaches said user is required to authenticate himself by providing authentication data (col. 4 lines 7-11 and col. 5 lines 39-47).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Allison, Arnold, Majumdar and

Cohen to include said user is required to authenticate himself by providing authentication data, as taught by Byers, for the advantage of ensuring the messenger being delivered to the intended recipient.

Considering claim 40, Byers further teaches said user's terminal automatically generates said acknowledgement message upon supply of said authentication data and/or response data (col. 3 lines 44-59).

Considering claim 41, Arnold further teaches a central authentication system verifies the user's authentication (col. 5 lines 26-45).

Considering claim 42, Byers further teaches said message or a portion thereof is only displayed to the receiving user if the receiving user provides a valid authentication (col. 4 lines 7-11 and col. 5 lines 39-47).

Considering claim 43, Allison further teaches said message is a SMS message according to the GSM standard ([0062]).

Considering claim 44, Arnold further teaches in said sender's device and in said receiving user's terminal a transaction reference counter is implemented and wherein each of said transaction reference counters is incremented if a message is successfully received (col. 8 lines 19-26).

8. Claims 51-53 and 55-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2003/0083078 Allison et al. (Allison), US Patent No. 6,842,628 Arnold et al. (Arnold) and US Patent Application No. 2002/0187750 (Majumdar) as applied to claims 49 above, and further in view of US Patent No. 6,928,290 Byers et al. (Byers).

Considering claim 51, see the rejection of claim 35.

Considering claim 52, see the rejection of claim 36.

Considering claim 53, see the rejection of claim 37.

Considering claim 55, see the rejection of claim 39.

Considering claim 56, see the rejection of claim 40.

Considering claim 57, see the rejection of claim 41.

Considering claim 58, see the rejection of claim 42.

Considering claim 59, see the rejection of claim 43.

Considering claim 60, see the rejection of claim 44.

9. Claims 65-68, 70, 72-74, 76-79, 82 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,928,290 Byers et al. (Byers) and further in view of US Patent No. 6,842,628 Arnold et al. (Arnold) and US Patent No. 6,167,252 (Cohen).

As to claims 65, 82 and 83, Byers teaches a method of transmitting a message via a mobile telecommunications network from a sender's device to a user's terminal, wherein the user is required to acknowledge receipt of said message in a predetermined way (col. 2 lines 49-61 and col. 3 lines 44-59); said user is required to authenticate himself by providing authentication data (col. 4 lines 7-11 and col. 5 lines 39-47). However, Byers fails to teach a central authentication system verifies the user's authentication, at least a portion of the text message is encrypted by the sender's device before transmission and decrypted by the receiving terminal before display and the text message comprising a first portion including the body of said message.

In an analogous art, Arnold teaches a central authentication system verifies the user's authentication (col. 5 lines 26-45), at least a portion of the text message is encrypted by the sender's device before transmission and decrypted by the receiving terminal before display (col. 8 lines 19-26) and decrypted by the receiving terminal before display and the text message comprising a first portion including the body of said message (col. 8 lines 19-26).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Byers system to include a central authentication system verifies the user's authentication, at least a portion of the text message is encrypted by the sender's device before transmission and decrypted by the receiving terminal before display and the text message comprising a first portion including the body of said message, as taught by Arnold, for the advantage of authenticating the user. However, the combined system of Byers and Arnold does not teach a second portion containing encryption data used for encryption of said body and required for decryption of data included in said body.

In an analogous art, Cohen teaches a second portion containing encryption data used for encryption of said body and required for decryption of data included in said body (col. 7 line 46 – col. 8 line 11, wherein Cohen teaches that the public key is sent with the message).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Byers and Arnold to include a second portion containing encryption data used for encryption of said body and required for decryption of data included in said body, as taught by Cohen, for the advantage of decrypting the message with the public key.

As to claim 66, see the rejection of claim 40.

As to claim 67, see the rejection of claim 42.

As to claim 68, Cohen further teaches the second portion is unencrypted (col. 7 line 45 – col. 8 line 11).

As to claim 70, Arnold further teaches said first portion of said text message is encrypted using a private/public key pair, wherein said public key is valid only for a predetermined number of text messages and wherein said public key is transmitted in said second portion of said text message (col. 8 lines 19-26, wherein Arnold discloses public key is only transmitted once).

As to claim 72, Arnold further teaches said encryption requires further encryption data stored in the sender's device (col. 7 lines 54-56).

As to claim 73, Arnold further teaches said decryption requires further encryption data stored in the receiving terminal (col. 7 lines 54-56).

As to claim 74, Arnold further teaches said encryption data is a public key transmitted in a text message, which is transmitted prior to said text message (col. 8 lines 19-26).

Considering claim 76, Arnold further teaches authentication data are used for encryption and decryption and decryption of said portion of said message (col. 5 lines 26-45 and col. 7 lines 50-59).

Considering claim 77, Byers further teaches conventional short message protocols and software applications running on the communications devices are used to implement the method (col. 3 lines 15-30).

Considering claim 78, see the rejection of claim 43.

Considering claim 79, see the rejection of claim 44.

10. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,928,290 Byers et al. (Byers), US Patent No. 6,842,628 Arnold et al. (Arnold) and US Patent No. 6,167,252 (Cohen) as applied to claim 65 above, and further in view of US Patent Application No. 2002/0187750 (Majumdar).

As to claim 71, the combined system of Byers, Arnold and Cohen teaches said communication comprising said message and a response to said message (Byers, col. 3 lines 44-59). However, the combined system of Byers, Arnold and Cohen does not teach a key valid only for a single communication.

In an analogous art, Majumdar teaches a key valid only for a single communication ([0046]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Byers, Arnold and Cohen to include a key valid only for a single communication, as taught by Majumdar, for the advantage of providing a one time secure communication.

11. Claim 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,928,290 Byers et al. (Byers), US Patent No. 6,842,628 Arnold et al. (Arnold) and US Patent No. 6,167,252 (Cohen) as applied to claim 65 above, and further in view of US Patent Application No. 2003/0100292 Kynast et al. (Kynast).

Considering claim 75, the combined system of Byers, Arnold and Cohen is described as above. However, the combined system fails to disclose at least a portion of said message and/or response message to said message is automatically deleted after a predetermined time period from said mobile terminal.

In an analogous art, Kynast teaches at least a portion of said message and/or response message to said message is automatically deleted after a predetermined time period from said mobile terminal ([0018] and [0019]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Byers, Arnold and Cohen to include at least a portion of said message and/or response message to said message is automatically deleted after a predetermined time period from said mobile terminal, as taught by Kynast, for the advantage of including the validity criterion for storing short

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messages in a mobile device in order to use the memory of the mobile device resourcefully.

Allowable Subject Matter

12. Claims 7, 10, 20, 28 and 29 allowed.

13. Claims 35, 38, 45, 46, 54, 61, 62, 69, 80 and 81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA


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